

AMENDED IN ASSEMBLY AUGUST 18, 2000

**SENATE BILL**

**No. 1058**

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**Introduced by Senator Johannessen**

February 26, 1999

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An act to amend Sections ~~44012, 44036, and 44036.2 of, and to add Section 44012.5 to Section 44103 of, to add Section 44103.5 to, and to repeal and add Section 44120 of,~~ the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1058, as amended, Johannessen. Vehicles: ~~inspection and maintenance~~ light-duty vehicle retirement program.

*Existing law provides for a statewide program, that, among other things, provides for the creation, exchange, use, and retirement of light-duty motor vehicle mobile source emission reduction credits. The program is required to authorize the issuance of those credits to private entities that purchase and properly retire high-emitting vehicles and to allow the resale of those credits to public or private entities to be used to achieve emission reduction requirements of the State Implementation Plan. The program provides criteria for retiring or otherwise disposing of high-emitting vehicles purchased for the voluntary program.*

*This bill would require the program to be operated in a manner that results in the maximum availability of vehicles and parts of vehicles for sale and reuse for the purposes of recycling, remanufacturing, rebuilding, repair, restoration, voluntary upgrade and maintenance by the public. The bill would require vehicles submitted to the program to be made*

available for resale, including a requirement that a list of the vehicles be made available to the public. The bill would specify that vehicles shall not be required to be destroyed, and would provide that any funds available to the dismantler under the program would be reduced by the value of parts from that vehicle that are sold.

~~(1) Existing law prescribes the test procedures to be used at smog check stations under the vehicle inspection and maintenance program.~~

~~This bill would revise those procedures to delete a requirement for a functional check of emission control devices, except as specified, in basic program areas, modify provisions relating to a visual inspection or check, and limit the tests or inspections required for a vehicle equipped with aftermarket parts, as prescribed. Since a violation of these requirements would be a crime under other provisions of existing law, the bill would create a state-mandated local program by creating new crimes.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 44012 of the Health and Safety~~  
 2     ~~SECTION 1. Section 44103 of the Health and Safety~~  
 3     ~~Code is amended to read:~~  
 4     ~~44103. Notwithstanding any other provision of law,~~  
 5     ~~the program shall also do both of the following:~~  
 6     ~~(a) Authorize~~ *authorize* the Department of Motor  
 7     Vehicles, at the request of persons engaged in the  
 8     purchase and retirement of vehicles under the program,  
 9     to send notices to vehicle owners who are candidates for  
 10    the sale of vehicles under the program describing the  
 11    opportunity to participate in the program. The

1 Department of Motor Vehicles may recover all costs of  
2 those notifications from the requesting party or parties.

3 ~~(b) Allow the issuance of nonrevivable junk~~  
4 ~~certificates for vehicles retired under the program, which~~  
5 ~~shall allow program vehicles to be scrapped only for parts,~~  
6 ~~except those parts identified pursuant to subdivision (a)~~  
7 ~~of Section 44120.~~

8 SEC. 2. Section 44103.5 is added to the Health and  
9 Safety Code, to read:

10 44103.5. Notwithstanding any other provision of law,  
11 the program shall be operated in a manner that causes the  
12 maximum availability of vehicles and parts of vehicles for  
13 sale and reuse for the purposes of recycling,  
14 remanufacturing, rebuilding, repair, restoration,  
15 voluntary upgrade, and maintenance by the public. The  
16 program shall do all of the following:

17 (a) Any vehicle submitted to the program shall be  
18 made available for a period of 30 days for resale to the  
19 public at fair market value prior to acceptance for  
20 retirement. A listing of vehicles to be submitted for  
21 potential retirement shall be made available to the  
22 public, by both the licensed dismantler and the state  
23 board, at least two weeks prior to the scheduled  
24 submission date for each vehicle. These lists shall be made  
25 available in printed form at the vehicle submission site, by  
26 facsimile, and by electronic posting on the Internet.

27 (b) Vehicles governed by subdivision (a) shall not be  
28 required to be segregated from other vehicles at the  
29 dismantler's place of business, but shall be marked in a  
30 fashion to make them clearly identifiable.

31 (c) After the expiration of the 30-day holding period,  
32 program vehicles or parts of program vehicles may be  
33 sold or destroyed at the dismantlers discretion.

34 SEC. 3. Section 44120 of the Health and Safety Code  
35 is repealed.

36 ~~44120. Vehicle disposal under the program shall be~~  
37 ~~consistent with appropriate state board guidance and~~  
38 ~~provisions of the Vehicle Code dealing with vehicle~~  
39 ~~disposal and parts reuse, and shall do both of the~~  
40 ~~following:~~

~~(a) Allow for trading, sale, and resale of the vehicles between licensed auto dismantlers or other appropriate parties to maximize the salvage value of the vehicles through the recycling, sales, and use of parts of the vehicles, consistent with the Vehicle Code and appropriate state board guidelines.~~

~~(b) Set aside and resell to the public any vehicles with special collector interest. No emission reduction credit shall be generated for vehicles that are resold to the public. Vehicles acquired for their collector interest shall be properly repaired to meet minimum established vehicle emission standards before reregistration, unless the vehicle is sold with a nonrepairable vehicle certificate or a nonrevivable junk certificate.~~

*SEC. 4. Section 44120 is added to the Health and Safety Code, to read:*

*44120. (a) Notwithstanding any other provision of law, the destruction of any vehicle or its parts shall not be mandated. The method and timing for disposal of program vehicles and their parts shall be determined solely by the licensed dismantler. Engines accepted for removal shall not be required to be permanently destroyed but may be rendered inoperative, yet rebuildable, via "sanding" or a similarly nondestructive method to allow for potential resale to the public.*

*(b) Funds to compensate dismantlers shall be reduced by the value of parts sold from the vehicle. If a vehicle has any part that appears on the state board's Emission-Related Parts List, and that part has been removed, no emission credit shall be issued for the vehicle. On a vehicle from which no emission-related parts are sold, the dismantler shall receive full compensation and emission credits. On a vehicle for which the value of parts sales exceeds the amount of funds available for the entire vehicle, no funds shall be remitted to the dismantler, the vehicle may not be designated as a program vehicle, and no emission credits may be granted for that vehicle.*

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**All matter omitted in this version of the  
bill appears in the bill as introduced in the  
Senate/ February 26, 1999 (JR 11)**

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